

**A SUBSTITUTE ORDINANCE BY**

**FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE ANTICIPATING AND APPROPRIATING FROM THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) THE TOTAL SUM OF \$2,834,400 AS RECOMMENDED FROM THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FY 2003-2005 IN THE INDIVIDUAL AMOUNTS OF \$860,000 FOR PEACHTREE HILLS, \$974,400 FOR LINDBERGH DRIVE, AND \$1,000,000 FOR EAST WESLEY; AMENDING THE 2003 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PUBLIC WORKS BY TRANSFERRING BETWEEN RESERVES THE SUM OF \$1,041,964 TO PROVIDE THE LOCAL MATCH REQUIREMENT FOR THE ABOVE LISTED PROJECTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Atlanta Regional Commission through the FY 2003-2005 TIP has issued Local Government Project Assistance (LGPA) agreements to the State of Georgia Department of Transportation (GDOT) for the purpose of constructing public improvements inclusive of traffic calming; and

**WHEREAS**, GDOT has recommended project numbers AR-AR BP 293: Sidewalks on Peachtree Hills from Peachtree to Lindbergh, AT-AR BP138: Pedestrian Improvements on Lindbergh Drive from Peachtree Road to Cheshire Bridge Road, and AT-AR BP 301: Pedestrian streetscape improvements in the East Wesley Neighborhood from Piedmont to Peachtree Street ("the Projects"), whose fact sheets are attached as Exhibits A - C; and

**WHEREAS**, the LGPA's the Projects, attached as Exhibit D for Peachtree Hills and East Wesley, and as Exhibit E for Lindbergh Drive, set forth the City's agreement to fund 20% of the construction costs against funds provided through the Regional TIP, and to fund 100% of the preliminary engineering, design, inspection, project management and all other associated project costs; and

**WHEREAS** the estimated costs of the Projects is \$4,680,783 as detailed in Exhibit F; and

**WHEREAS** Federal funds are available to fund, via reimbursement, a maximum of 80% of the construction costs, up to \$2,834,400, and the budget commission of the City of Atlanta as recommended increasing the estimated receipts in the intergovernmental grant fund in the amount of \$2,834,400, for the purposes of accepting the Federal funding; and

**WHEREAS** Carter & Associates, in connection with development at Lindbergh City Center, paid development impact fees totaling \$804,419 (Exhibit F) that have partially funded these projects; and

**WHEREAS** the balance of the local match of \$1,041,964 is now required to complete these projects; and

**WHEREAS** the sum of \$1,041,964 is currently available in transportation impact fee reserves to meet the local matching requirements;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**Section 1:** That the 2003 Intergovernmental Grant Fund Budget Department of Public Works budget is hereby amended as follows:

**ADD TO ANTICIPATIONS**

1B02	J53X0210KX90	Federal Highway Administration (FHWA)	
	631101	Federal Grants/Entitlements	<u>\$2,834,400.00</u>

**ADD TO APPROPRIATIONS**

1B02	M11F0750KX90	Peachtree Hills	
	774001	Fac. Other Than Bldgs	\$ 860,000.00
	M11F0751KX90	Lindbergh Drive	
	774001	Fac. Other Than Bldgs	\$ 974,400.00
	M11F0752KX90	East Wesley	
	774001	Fac. Other Than Bldgs	<u>\$1,000,000.00</u>
			<u>\$2,834,400.00</u>

**Section 2:** That the Mayor is authorized to enter into Construction Agreements with GDOT, in the standard format, for the three referenced projects for the purposes of obtaining this \$2,834,400 in Federal Funds.

**Section 3:** That the 2003 General Capital Outlay Fund Budget Department of Public Works is hereby amended as follows:

**TRANSFER FROM APPROPRIATIONS**

1C28 792001	Reserve For Appropriation	
M11X04519985	D.I.F. Transportation	<b><u>\$ 1,041,964</u></b>

**TRANSFER TO APPROPRIATIONS**

1C28 774001	Facilities Other Than Bldgs.	
M*****	Piedmont Rd./Lindbergh Dr.	<b><u>\$1,041,964</u></b>
	Transportation Improvements	

**Section 4:** That the Chief Financial Officer is authorized to reimburse Carter & Associates the amount of \$333,364 for costs, associated with work, completed or to be completed on preliminary engineering, design, inspection, project management and other associated project tasks that will be charged to and paid from FAC 1C28 529 010 M11X04519985.

**Section 5:** Other charges and expenses, in an amount not to exceed \$708,600 will be charged to and paid from FAC 1C28 529010 M11X04519985.

**Section 6:** That the Chief Procurement Officer is authorized to issue bid documentation, in a form acceptable to GDOT and that complies with all applicable federal and state requirements for such projects, to qualified construction firms, and to enter into one or more appropriate agreements for the construction of sidewalks, traffic calming, and improvements for the Projects in an amount not to exceed \$3,543,000.

**Section 7:** That in the event that the impact fee funds appropriated by this ordinance have not been obligated to construction projects by December 31, 2004, said funds shall be placed in the appropriate impact fee account reserve centers for appropriation to other impact fee supported projects.

**Section 8:** That future impact fees generated by development at Lindbergh City Center are to become a part of the impact fee reserve account.

**Section 9:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.